

REMARKS

These Remarks are responsive to the Office Action mailed April 6, 2006 ("Office Action"). Applicants respectfully request reconsideration of the rejections therein for at least the following reasons.

I. STATUS OF THE CLAIMS

Claims 21-26 and 52-71 are pending, with claims 21, 24, 58, 62, 66, and 69 being the independent claims. New claims 52-71 have been added. Applicants respectfully submit that no new matter has been added by virtue of the claim amendments or new claims. Support for new claims may be found at, for example, Figure 14b and pages 46-47.

II. THE PENDING CLAIMS ARE NOT ANTICIPATED BY UNITED STATES PATENT NUMBER 6,089,284 TO KAEHLER ET AL.

Claims 11, 13-26 and 50-51 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,089,284 to Kaehler et al. ("Kaehler"). To the extent this rejection applies to the pending claims, Applicants respectfully traverse the rejection and request reconsideration thereof for reasons set forth below.

Claims 11, 13-20, and 50-51 have been cancelled, thus rendering this rejection moot to those claims.

Applicants initially note some concerns regarding the Office Action. In general, it is difficult to discern exactly what portions of the cited reference that the Examiner relies upon. For example, the Examiner repeatedly cites twenty-seven columns from the applied patent as meeting certain claim limitations. See, e.g., Office Action, page 5 (citing columns 3-29 as allegedly meeting the "enrolling" limitation). The Examiner copies the claim limitations into the Office Action without discussing how the voluminous citations allegedly meet the individual claim limitations. Applicants are adversely prejudiced because the rationale for rejection is effectively obscured or buried. Simply providing a voluminous citation does not adequately give Applicants notice as to how the Examiner views the rejections. Applicants therefore respectfully request a

detailed explanation regarding how the cited twenty-seven columns in Kaehler allegedly satisfy the "enrolling" limitation.

Amended claim 21 recites a method for enrolling users in a transaction processing program. Specifically, amended claim 21 recites, "electronically enrolling a user associated with a customer transponder by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system." Kaehler does not teach or suggest any method for enrolling users in a transaction program, much less the recited method for enrolling users in a transaction processing program. Accordingly, claim 21 is not obvious in view of Kaehler. Applicants therefore respectfully submit that claim 21 is allowable over Kaehler.

In making this rejection, the Office Action acknowledges that Kaehler fails to explicitly teach enrolling a user...by storing enrollment data..., and asserts that, in view of the allegedly disclosed credit card pre-registration process, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to that the teachings of Kaehler pre-registration and registration process would have been able to perform the functions of storing identification and payment data or information in the host system." See Office Action at page 5.

Amended claim 21 recites:

A method for enrolling users in a transaction processing program, comprising:

receiving transmitter identification data and payment information at a point-of-sale device;

electronically associating said transmitter identification data with said payment information;

transmitting said associated transmitter identification data and said payment information to a host transaction processing system; and

electronically enrolling a user associated with a customer transponder by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system. (emphasis added)

In accordance with the method of claim 21, a customer may electronically enroll in a transaction program at a point-of-sale device. See *e.g.*, 10/083,249 at pp. 46-47. By electronically enrolling in a transaction processing program at the point-of-sale device, the customer avoids having to pre-register for a credit card. Indeed, the relied-upon portion of Kaehler states that “[t]he manner in which pre-registration for credit cards may be accomplished could be by an application that is sent to the credit card or fuel companies....” By “receiving...at a point-of-sale device,” “electronically associating,” “transmitting...to a host transaction processing system,” and “electronically enrolling,” a customer does not have to pre-register in the transaction program because the enrolling can occur based on information that is received at the point-of-sale device. Therefore, it would not be obvious “that the teachings of Kaehler pre-registration and registration process would have been able to perform the functions of storing identification and payment date or information in the host system.” Accordingly, claim 21 is allowable over Kaehler.

Claims 22 and 23 depend from allowable claim 21 and are therefore allowable for at least that reason.

Amended claim 24 recites similar features as amended claim 21 and is allowable over Kaelher for at least similar reasons as discussed above with respect to claim 21. Applicants therefore respectfully submit that claim 24 is allowable over Kaehler.

Claims 25 and 26 depend from allowable claim 24 and are therefore allowable for at least that reason.

New claims 52-71 recite recites similar features as amended claim 21 and also would be allowable over Kaelher for at least similar reasons as discussed above with respect to claim 21.

III. CLOSING COMMENTS

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, a Notice of Allowance is earnestly solicited. As always, if the Examiner has any questions or concerns, the Examiner is encouraged to contact the undersigned attorney at any time. As previously stated, it is believed that the correct fees are submitted with this Response. However, if there is a shortage or deficiency in fees, the Commissioner is hereby authorized to charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

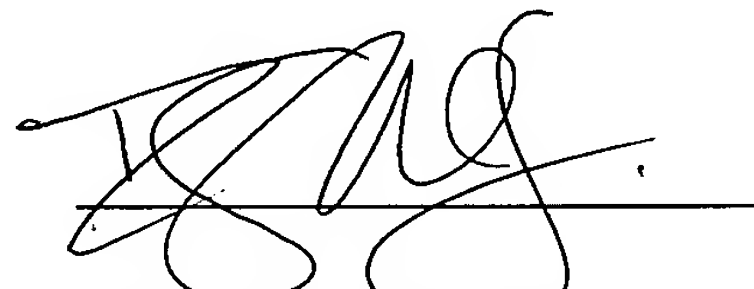
Respectfully submitted,

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